



## 2013 ASSEMBLY BILL 730

1     **AN ACT** *to amend* 13.92 (4) (c), 13.92 (4) (d), 13.92 (4) (e), 13.92 (4) (f), 35.93 (2)  
2           (b) 4., 35.93 (2) (c) 1., 35.93 (3), 35.93 (3) (e) (intro.), 35.93 (3) (e) 1., 227.01 (13)  
3           (intro.), 227.11 (2) (intro.) and 227.27 (2); and **to create** 13.92 (4) (bm) and  
4           227.265 of the statutes; **relating to:** rule-making procedures and modifying  
5           and repealing various rules promulgated by the Department of Natural  
6           Resources.

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*Analysis by the Legislative Reference Bureau*

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

7           **SECTION 1.** 13.92 (4) (bm) of the statutes is created to read:  
8           13.92 (4) (bm) If 2 or more rules filed under s. 227.20 or modified under s.  
9           227.265 affect the same unit of the Wisconsin administrative code without taking  
10          cognizance of the effect thereon of the other rules and if the legislative reference

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bureau finds that there is no mutual inconsistency in the changes made by each such rule, the legislative reference bureau shall incorporate the changes made by each rule into the text of the unit and document the incorporation in a note to the unit. For each such incorporation, the legislative reference bureau shall include in a correction bill a provision formally validating the incorporation. Section 227.27 (2) is not affected by printing decisions made by the legislative reference bureau under this paragraph.

**SECTION 2.** 13.92 (4) (c) of the statutes is amended to read:

13.92 (4) (c) The legislative reference bureau may insert in the Wisconsin administrative code a note explaining any change made under par. (b) or (bm).

**SECTION 3.** 13.92 (4) (d) of the statutes is amended to read:

13.92 (4) (d) Sections 227.114, 227.116, 227.135, and 227.14 to 227.24 do not apply to any change made by the legislative reference bureau under par. (b) or (bm).

**SECTION 4.** 13.92 (4) (e) of the statutes is amended to read:

13.92 (4) (e) The legislative reference bureau shall prepare and keep on file a record of each change made under par. (b) or (bm).

**SECTION 5.** 13.92 (4) (f) of the statutes is amended to read:

13.92 (4) (f) The legislative reference bureau shall notify the agency involved of each change made under par. (b) or (bm).

**SECTION 6.** 35.93 (2) (b) 4. of the statutes, as affected by 2013 Wisconsin Act 20, is amended to read:

35.93 (2) (b) 4. Copies of all rules filed with the legislative reference bureau under s. 227.20 (1) or modified under s. 227.265 since the compilation of the preceding register, including emergency rules filed under s. 227.24 (3).

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1           **SECTION 7.** 35.93 (2) (c) 1. of the statutes, as affected by 2013 Wisconsin Act 20,  
2       is amended to read:

3           35.93 (2) (c) 1. Each chapter of the Wisconsin administrative code that has been  
4       affected by rules filed with legislative reference bureau under s. 227.20 (1) or  
5       modified under s. 227.265, in accordance with sub. (3) (e) 1.

6           **SECTION 8.** 35.93 (3) of the statutes is amended to read:

7           35.93 (3) The legislative reference bureau shall compile and deliver to the  
8       department for printing copy for a register which shall contain all the rules filed  
9       under s. 227.20 or modified under s. 227.265 since the compilation of rules for the  
10      preceding issue of the register was made and those executive orders which are to be  
11      in effect for more than 90 days or an informative summary thereof. The complete  
12      register shall be compiled and published before the first day of each month and a  
13      notice section of the register shall be compiled and published before the 15th day of  
14      each month. Each issue of the register shall contain a title page with the name  
15      “Wisconsin administrative register”, the number and date of the register, and a table  
16      of contents. Each page of the register shall also contain the date and number of the  
17      register of which it is a part in addition to the other necessary code titles and page  
18      numbers. The legislative reference bureau may include in the register such  
19      instructions or information as in the bureau’s judgment will help the user to correctly  
20      make insertions and deletions in the code and to keep the code current.

21          **SECTION 9.** 35.93 (3) (e) (intro.) of the statutes, as affected by 2013 Wisconsin  
22      Act 20, is amended to read:

23          35.93 (3) (e) (intro.) The legislative reference bureau shall incorporate into the  
24      appropriate chapters of the Wisconsin administrative code each permanent rule filed  
25      with the legislative reference bureau under s. 227.20 (1) or modified under s. 227.265

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1 and, for each chapter of the administrative code affected by a rule, do all of the  
2 following:

3 **SECTION 10.** 35.93 (3) (e) 1. of the statutes, as affected by 2013 Wisconsin Act  
4 20, is amended to read:

5 35.93 (3) (e) 1. Publish the chapter in the appropriate end-of-month register  
6 in accordance with the filing deadline for publication established in the rules  
7 procedures manual published under s. 227.15 (7) ~~or~~, in an end-of-month register  
8 agreed to by the submitting agency and the legislative reference bureau, or, in the  
9 case of a rule modified under s. 227.265, in the end-of-month register for the month  
10 in which the bill modifying the rule is enacted.

11 **SECTION 11.** 227.01 (13) (intro.) of the statutes is amended to read:

12 227.01 (13) (intro.) “Rule” means a regulation, standard, statement of policy,  
13 or general order of general application which has the effect of law and which is issued  
14 by an agency to implement, interpret, or make specific legislation enforced or  
15 administered by the agency or to govern the organization or procedure of the agency.  
16 “Rule” includes a modification of a rule under s. 227.265. “Rule” does not include, and  
17 s. 227.10 does not apply to, any action or inaction of an agency, whether it would  
18 otherwise meet the definition under this subsection, which:

19 **SECTION 12.** 227.11 (2) (intro.) of the statutes is amended to read:

20 227.11 (2) (intro.) Rule-making authority is expressly conferred on an agency  
21 as follows:

22 **SECTION 13.** 227.265 of the statutes is created to read:

23 **227.265 Repeal or modification of rules.** If a bill to repeal or modify a rule  
24 is enacted, the procedures under ss. 227.114 to 227.21 and 227.26 do not apply.  
25 Instead, the legislative reference bureau shall publish the repeal or modification in

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1 the Wisconsin administrative code and register as required under s. 35.93, and the  
2 repeal or modification shall take effect as provided in s. 227.22.

3 **SECTION 14.** 227.27 (2) of the statutes is amended to read:

4 227.27 (2) The code shall be prima facie evidence in all courts and proceedings  
5 as provided by s. 889.01, but this does not preclude reference to or, in case of a  
6 discrepancy, control over a rule filed with the legislative reference bureau ~~or the~~  
7 ~~secretary of state~~ under s. 227.20 or modified under s. 227.265, and the certified copy  
8 of a rule shall also and in the same degree be prima facie evidence in all courts and  
9 proceedings.

10 **SECTION 15.** NR 45.04 (2) (a) 2. of the administrative code is amended to read:

11 NR 45.04 (2) (a) 2. Hunters or trappers entering department lands with  
12 established during an open hunting seasons or trapping season on the land, provided  
13 the entry is no earlier than one hour prior to the opening of hunting or trapping hours  
14 established in s. ~~NR 10.24~~ ch. NR 10. If the department has not established hunting  
15 hours on the land, hunters may enter the land no earlier than one hour prior to  
16 sunrise.

17 **SECTION 16.** NR 45.04 (2) (a) 3. of the administrative code is repealed.

18 **SECTION 17.** NR 45.04 (2) (a) 5. of the administrative code is created to read:

19 NR 45.04 (2) (a) 5. Users of state trails, except during hours of closure as posted  
20 by the department or by an entity operating a state trail under a written agreement  
21 with the department.

22 **SECTION 18. Effective dates.** This act takes effect on the day after publication,  
23 except as follows:

3 (END)